

Opinion No. 201.**Livestock Sanitary Board—Counties—
Cattle—Diseased Cattle.**

Held: The county in which an owner is and resides and the animal is at the time it was determined to be affected with a disease, shall be liable for the portion of indemnity payable by counties under the provisions of Chapter 75, Laws of 1943.

April 14, 1944.

Dr. W. J. Butler
State Veterinary Surgeon
Livestock Sanitary Board
State Capitol
Helena, Montana

Dear Dr. Butler:

You have requested an opinion on an inquiry received by your department in regard to the liability of counties to pay indemnity for animals killed under orders of the Livestock Sanitary Board.

As I understand the facts of this inquiry a certain number of cattle in Cascade County, and belonging to a person residing and being in Cascade County, Montana, were on or before the 16th day of February, 1944, ordered killed by your department. The cattle ordered killed were not assessed in Cascade County, Montana, for the

year 1943 and your inquirer is of the opinion that the county where they were last assessed should pay the indemnity. The fact as stated is that these cattle had bangs disease.

Bangs disease being curable, the question falls within the provisions of paragraph 3 of Section 1 of Chapter 75, Laws of 1943, which reads, as far as pertinent here, as follows:

“ . . . The county in which such animal was owned at the time it was determined to be affected with such disease shall be liable in part as hereinafter provided for any indemnity to be paid for such animal . . . ”

The statute clearly states the county in which such animal was owned at the time it was determined to be affected with the disease shall pay. Nothing is said about the place of last taxation. In the instant case it is to be presumed from the facts submitted that the owner was a resident of Cascade County and the cattle were also in Cascade County at the time the cattle were determined to be affected with the disease. Therefore, under the law as given to us by the legislature, it is my opinion Cascade County, Montana, is liable for the indemnity in this instance.

Sincerely yours,
R. V. BOTTOMLY
Attorney General